

**E-Filing**

ALAMEDA-CONTRA COSTA TRANSIT DISTRICT  
OFFICE OF THE GENERAL COUNSEL  
CATHLEEN A. WADHAMS, CSB 100434  
1600 FRANKLIN STREET, 6<sup>TH</sup> FLOOR  
OAKLAND, CALIFORNIA 94612  
(510) 891-4827

Attorneys for Defendant AC Transit

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

KIRK COOPER,	)	NO. C 06-06345 MHP
Plaintiff,	)	
v.	)	DEFENDANT AC TRANSIT'S
	)	<u>STIPULATION AND <del>PROPOSED</del> ORDER</u>
ALAMEDA-CONTRA COSTA	)	
TRANSIT DISTRICT, et al.,	)	
Defendants.	)	

The parties to the above entitled action, by & through their respective attorneys, stipulate that for the reasons set forth in the accompanying Declaration of Cathleen A. Wadhams, the deadline for completing the Early Neutral Evaluation be extended from July 11, 2007 to August 24, 2007, and that the currently scheduled ENE session on July 9, 2007 be rescheduled to August 16, 2007.

DATED: July 6, 2007

/S/  
Eugene T. Franklin, Attorney for  
Plaintiff, Kirk Cooper

DATED: July, 2007

/S/  
Cathleen A. Wadhams, Attorney for  
Defendant, AC Transit

PROPOSED ORDER

IT IS HEREBY ORDERED that:

The deadline for completing the Early Neutral Evaluation be extended from July 11, 2007 to August 24, 2007, and that the currently scheduled ENE session on July 9, 2007 be rescheduled to August 16, 2007.

DATED: July 6, 2007

  
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JUDGE THE U.S. DISTRICT COURT  
FOR THE NORTHERN DISTRICT

DECLARATION OF CATHLEEN A. WADHAMS  
IN SUPPORT OF STIPULATION TO EXTEND DEADLINE  
FOR EARLY NEUTRAL EVALUATION

I, Cathleen A. Wadhams, declare as follows:

1. I'm an attorney at law licensed to practice in all courts in the State of California and am admitted to practice in U.S. District Court for Northern California. I am the attorney of record for defendant AC Transit in this action and the matters stated in this declaration are within my personal knowledge and if called to testify, I could and would competently testify to them.

2. This matter is currently set for Early Neutral Evaluation with Greta Schnetzler, Esq. on July 9, 2007. The parties are both interested in settling this case and are actively exploring the potential of providing plaintiff with a disability retirement option. Because AC Transit is a public entity and litigation is overseen by and requires the approval of the District's Board of Directors in certain circumstances, and because the granting of disability retirement also requires the approval and consent of AC Transit's separate retirement board, exploration of this settlement option is inherently cumbersome and time consuming. I have also been hindered in my progress by a personal family emergency which has kept me out of the office for the majority of the last two weeks which likely will require that I travel to Jacksonville, Florida in the near future. My stepson was involved in a motorcycle accident on June 23, 2007 and remains critically ill in the ICU at Shands- Jacksonville Hospital. He is not capable of directing his own medical care and we have been, and continue to be, called upon to authorize care and procedures. I am the only attorney at AC Transit who handles employment litigation and am the only one familiar with this file. This combination of factors, along with vacation schedules of various individuals at AC Transit who are involved with either the litigation process or the retirement system has hindered my progress in exploring the feasibility of a disability retirement option. Yesterday, when Ms. Schnetzler learned of the situation, she suggested that the deadline for the ENE be extended, and after consultation with Mr. Franklin, the parties agreed to seek an extension via stipulation and order. The parties also agreed to a

1 new date for the Early Neutral Evaluation – August 16, 2007, should the court grant the  
2 request.

3 The requested extension is brief, approximately a month, and the parties  
4 are optimistic that this matter can be resolved by way of settlement. The requested time  
5 will allow me to gather the information I will need to ensure that the Early Neutral  
6 Evaluation session is productive and substantive. Additionally, an extension will allow  
7 me to attend to my family situation, which is still precarious and unsettled.

8 I declare under penalty of perjury that the foregoing is true and correct.

9 Executed this 6<sup>th</sup> day of July, 2007, at Oakland, California

10 /S/  
11 Cathleen A. Wadhams  
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18 (S:\Legal\Cases\Cooper\Stipulation & Order; Decl of CAW)  
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